

REMARKS

In response to the Final Office Action, Claims 1, 5, 6 and 10 are amended. Claims 1-10 remain in the Application. Reconsideration of the pending claims is respectfully requested in view of the above amendment and the following remarks.

I. Claims Rejected Under 35 U.S.C. §103

A. Claims 1-4 and 6-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of U.S. Patent No. 5,359,730 issued to Marron (“Marron”) in view of U.S. Patent No. 7,024,694 issued to Ko (“Ko”).

To establish a *prima facie* case of obviousness, the Examiner must show the cited references, combined, teach or suggest each of the elements of a claim.

Independent Claims 1 and 6 are amended to recite an additional step (b1) “setting a set of global variables after changing the replica to indicate to a packet received after step b) that a change to the intrusion detection rule is in process and the packet is to use the new intrusion detection rule,” and “changing the intrusion detection ruleand using the new intrusion detection rule on the packet.” The amended limitations more clearly point out that the new intrusion detection rule is to be used by a packet received before the change to the intrusion detection rule is completed. As a result, updates to the intrusion detection rule can be performed dynamically and efficiently. The cited references do not teach or suggest these elements.

Marron discloses a dynamic software update facility (DSUF) for dynamically updating operating systems (col. 6, lines 45-49). The DSUF determines which version of a program (old or new) can be used by a process and when it is safe for the process to stop executing the old program and start executing the new program (col. 7, lines 3-34). Marron does not disclose that “the process” involves “a packet,” and that the process can use the new program when the update of the program is in process (as indicated by a set of global variables). Rather, Marron discloses that the DSUF tests for safety conditions under which a process can execute the new code (col. 7, lines 11-24). None of the safety conditions disclosed by Marron include a packet received after the change of replica of the old rule but prior to the exchange of the pointers to the new and the old rules. Thus, Marron does not teach or suggest the amended limitations.

Further, Ko is relied on for disclosing intrusion detection rules. However, Ko does not supply the missing elements as recited in amended Claims 1 and 6. Other cited references likewise do not cure the deficiency. Thus, the cited references do not teach or suggest each of the elements of Claims 1 and 6, as well as their respective dependent claims.

For at least the foregoing reasons, Applicants submit that Claims 1 and 6 are non-obvious over Marron in view of Ko. Claims 2-4 and 7-9 depend from Claims 1 and 6, respectively, and incorporate the limitations thereof. Thus, for at least the reasons mentioned above, these claims are non-obvious over Marron in view of Ko. Accordingly, reconsideration and withdrawal of the §103 rejection of Claims 1-4 and 6-9 are respectfully requested.

B. Claims 5 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Marron (presumably, and Ko) and further in view of Ph.D. thesis by Stoica entitled “Stainless Core: A Scalable Approach for Quality of Service in the Internet”, Publication date: December 15, 2000 (“Stoica”).

Claims 5 and 10 depend from Claims 1 and 6, respectively, and incorporate the limitations thereof. Thus, for at least the reasons mentioned above, these claims are non-obvious over Marron and Ko.

Stoica is relied on for disclosing information transfer between a kernel area to an application program of a host. However, Stoica does not cure the deficiency of Marron and Ko. Stoica does not disclose generating a replica of an old intrusion detection rule, and changing the replica of the intrusion detection rule into a new intrusion detection rule.

For at least the foregoing reasons, Claims 5 and 10 are non-obvious over Marron in view of Ko and further in view of Stoica. Accordingly, reconsideration and withdrawal of the §103 rejection of Claims 5 and 10 is respectfully requested.

CONCLUSION

In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

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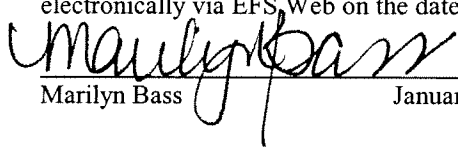
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Marilyn Bass January 22, 2008